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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 11 1996

REPLY TO THE ATTENTION OF:

SE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Foundry Sales & Supply
c/o Aaron H. Bulloff, Esq.
Kadish, Hinkel & Weibel
2112 East Ohio Building
Cleveland, Ohio 44114



RE: GHR Foundry in Dayton, Ohio
General Notice of Potential Liability

Dear Sir:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. U.S. EPA understands that you represent Foundry Sales & Supply. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all



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other necessary costs incurred in cleaning up the facility, including investigation, planning and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop a sampling plan using appropriate quality assurance and quality control data validation procedures which is acceptable to the U.S. EPA identification of all known and potential contamination upon this site.
2. Conduct an Extent of Contamination (EOC) Survey of entire site area to determine concentrations and amounts of polychlorinated biphenyls (PCBs); asbestos and other hazardous contaminants or constituents within soils and nearby waterways adjacent to this site.
3. Access the interior of all electrical transformers and like or associated appurtenances located on this site for purposes of removing residual PCB contents, containerize these materials, and prepare for environmentally safe off-site shipment and disposal.
4. Access the on-site building where large quantities of labeled PCB containers and asbestos labeled bags are stored, sample the contents of each container and bag, tabulate the sampling data for EPA's inspection, and prepare these containers for environmentally suitable shipment and disposal.
5. Access the on-site building where friable asbestos materials are found and noted to be located on the floor and throughout this structure. Remove and clean-up these asbestos containing materials, containerize them, and provide for their environmentally suitable shipment and disposal.
6. Provide for access control of the general public to this site and the entire facility until these tasks are completed and the site is determined to be free of hazardous materials and/or substances contamination.

U.S. EPA has received information that the company that you represent may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your client's potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with your client the entry of an appropriate administrative consent order under which your client would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring your client to perform specified work. Under Sections 106 and 107 of CERCLA, your client may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, your client should notify U.S. EPA in writing within seven (7) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your client's response should be sent to:

Arlene Lilly
U.S. EPA - Region 5
Emergency & Enforcement Support Section SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604

If U.S. EPA does not receive a timely response, U.S. EPA will assume that your client does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your client has declined any involvement in performing the response activities.

Your client's response should indicate the appropriate name, address and telephone number for further contact. If your client is already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise your client or direct your client presently to restrict or discontinue any such activities already underway; however, your client is advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your client's response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Jeffrey A. Cahn, of the U.S. EPA Office of Regional Counsel at (312) 886-6670.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages your client to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,



Richard C. Karl, Chief
Emergency Response Branch

LIST OF PRPs RECEIVING GENERAL NOTICE LETTER

Mr. Ray Carcione, President
Ohio Industrial Trading Company
525 Twinning Drive
Dayton, Ohio 45431

Mr. John Peloquin, President
John Paul Enterprises
400 Detrick Street
Dayton, Ohio 45404

James R. Kirkland
Registered Agent For:
John Paul Enterprises, Inc.
111 West First Street, Suite 518
Dayton, Ohio 45402-1131

2112 East Ohio Service Corporation
Registered Agent For:
Foundry Sales & Supply, Inc.
2112 East Ohio Building
Cleveland, Ohio 44114

Managing or General Partner
The Ohio Industrial Trading Company
525 Twinning Drive
Dayton, Ohio 45431

Aaron H. Bulloff, Esq.
Kadish, Hinkel & Weibel
2112 East Ohio Building
Cleveland, Ohio 44114

New Start Demolition
Ward Morris as Registered Agent
525 Twinning Drive
Dayton, Ohio 45431